

United States District Court

for the

Southern District of Texas

UNITED STATES OF AMERICA)

V.)

Andy DRIVER)

Devonte Alexander KONES)

Case Number: **5:19-mj-991-1**

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 28, 2019 in the county of Webb in the
 (Date)
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*Title 8 United States Code, Section
1324

Knowing and in reckless disregard of the fact that an alien had come to, entered,
 and remained in the United States in violation of law, did unlawfully transport and
 move, attempt to transport and move, and conspire to transport and move said
 alien by means of transportation and otherwise within the United States by means
 of transportation and otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

See attachment "A".



Continued on the attached sheet.

/s/ Edgar Flores

Complainant's Signature

Complainant Edgar Flores
 sworn and attested before me
 on May 30, 2019,
 at Laredo, Texas.

Diana Song Quiroga
 DIANA SONG QUIROGA
 UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA

Page 2

V.

Andy DRIVER

Devonte Alexander KONES

[CONT OF BASIS OF COMPLAINT]

1. On May 28, 2019, at approximately 10:15 p.m., a United States Border Patrol (USBP), Border Patrol Agent (BPA), was working his assigned duties at the USBP checkpoint located at the 29 mile marker of Interstate Highway 35, north of Laredo, Texas. While working in the primary inspection lane, a white Freightliner Tractor approached his position. As the vehicle approached his position, he was able to recognize the driver of the tractor as a subject of interest by the Laredo Police Department (LPD) regarding the theft of a tractor trailer. The LPD information was a photo of a black male subject with a head rag and facial hair. As the tractor approached him, he recognized the driver, later identified as (KONES, Devonte Alexander) who also had facial hair and a head rag from a prior encounter at the checkpoint in which KONES was driving a tractor. This LPD information was relayed to BPAs after the first encounter with KONES. Once KONES was near him, the BPA proceeded to ask KONES and passenger (later identified as DRIVER, Andy) if they were United States Citizens, to which they replied, "Yes". The BPA proceeded to ask KONES if anyone else was with them to which he replied "No." At that time, due to KONES fitting the description of what LPD had provided to BPAs, the BPA decided to send KONES to secondary for further inspection and to verify the possibility of KONES being the person of interest from the information released by LPD. At secondary inspection agents requested record checks on both KONES and DRIVER. At that time record checks revealed that DRIVER had two active warrants for cocaine sale and assault. Both subjects were escorted to inside the checkpoint to confirm the status of the warrants. A BPA proceeded ask KONES for consent to scan the tractor and trailer, to which KONES replied "Yes."

2. A scan was conducted utilizing a ZBF Backscatter by a BPA. The BPA noticed silhouettes in the trailer portion that were consistent with human bodies. Based on the fact that a trailer is considered a confined space, and on the unknown conditions of the people inside, BPAs proceeded to break the lock that was placed on the door.

3. Responding BPAs extracted a total of eighteen (18) undocumented aliens (UDAs) from the trailer. After a brief field interview, it was determined that all subjects did not possess a legal right to enter, remain, or reside in the United States. All Subjects were placed under arrest were transported inside the checkpoint for processing.

4. KONES was advised of his Miranda Warnings by LPD Detectives, to which he freely waived and agreed to speak to LPD Detectives and HSI SAs without the presence of an attorney. KONES stated he agreed to drive a tractor trailer with contraband for three thousand dollars (\$3,000). KONES stated he had done it on two other occasions and had dropped off the trailer with the contraband in the San Antonio, Texas area. KONES stated DRIVER was aware of the situation and he would pay DRIVER one thousand dollars (\$1,000).

5. LPD Detectives read DRIVER his Miranda Rights in the English language and DRIVER stated he understood his rights and requested to have a lawyer present before answering any questions.

6. HSI SAs interviewed Mexican national Carlos G. BENITEZ. BENITEZ stated he crossed the Rio Grande River from Mexico into Laredo, Texas on or about May 14, 2019. BENITEZ stated he was transported directly from the Rio Grande River banks to an unknown stash house in Laredo, Texas. On May 28, 2019, a male stash house caretaker transported him to an unknown location where a tractor was waiting. BENITEZ indicated he boarded the tractor where he observed two African American males sitting in the driver and passenger's seats. BENITEZ indicated the tractor departed and made several stops as it picked up other UDAs. BENITEZ reported at the tractor's final stop, they picked up a trailer and were instructed to enter the trailer by one of the African Males. BENITEZ described both males as being young with short hair. BENITEZ stated that he was paying a total of seven thousand dollars (\$7,000) to be smuggled to Tennessee.

UNITED STATES OF AMERICA

Page 3

V.

Andy DRIVER

Devonte Alexander KONES

[CONT OF BASIS OF COMPLAINT]

7. HSI SAs interviewed Guatemalan national Rony GARCIA-Puac. GARCIA stated he crossed the Rio Grande River from Mexico into Laredo, Texas on or about May 22, 2019. GARCIA stated he was transported directly from the Rio Grande River banks to an unknown stash house in Laredo, Texas. On May 28, 2019, a male stash house caretaker transported him to an unknown location where a tractor was waiting. GARCIA indicated he boarded the tractor where he observed two African American males sitting in the driver and passenger's seats. GARCIA indicated the tractor departed and made several stops as it picked up other UDAs. GARCIA reported at the tractor's final stop, they picked up a trailer and were instructed to enter the trailer by one of the African Males. GARCIA described both males as being young with short hair. BENITEZ stated that he was paying a total of eleven thousand three hundred dollars (\$11,300) to be smuggled to Houston, Texas.

8. HSI SAs interviewed Mexican national Francisco NAVA-Adame. NAVA stated he crossed the Rio Grande River from Mexico into Laredo, Texas on or about May 14, 2019. NAVA stated he was transported directly from the Rio Grande River banks to an unknown stash house in Laredo, Texas. On May 28, 2019, a male stash house caretaker transported him to an unknown location where a tractor was waiting. NAVA indicated he boarded the tractor where he observed two African American males sitting in the driver and passenger's seats. NAVA indicated the tractor departed and made several stops as it picked up other UDAs. NAVA reported at the tractor's final stop, they picked up a trailer and were instructed to enter the trailer by one of the African Males. NAVA described both males as being young with short hair. NAVA stated that he was paying a total of seven thousand dollars (\$7,000) to be smuggled to Louisiana.

9. HSI SAs interviewed Mexican national Raul LOPEZ-LOPEZ. LOPEZ stated he crossed the Rio Grande River from Mexico into Laredo, Texas on or about May 28, 2019. LOPEZ stated he was transported directly from the Rio Grande River banks to an unknown stash house in Laredo, Texas. On May 28, 2019, he was picked up by a subject driving a white vehicle and transported him to an unknown location where a tractor was waiting. LOPEZ indicated he boarded the trailer where he observed an African American males wearing shorts standing outside the trailer. LOPEZ stated he got into the trailer and waited approximately twenty (20) minutes while other UDAs got into the trailer. LOPEZ stated they were apprehended a short time after the tractor trailer started moving. LOPEZ stated his family members were paying an unknown amount to have him smuggled to Atlanta, Georgia.